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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,648	05/30/2001	Shuji Nakamura	1614.1169	5800

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EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,648

Applicant(s)

NAKAMURA ET AL.

Examiner

A I Elamin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5 is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 recites the limitation "the rechargeable secondary battery" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6 and 11 (*as best understood*) is rejected under 35 U.S.C. 102(e) as being anticipated by Lee, US. Pat. No. 6,219,037.
5. Claim 11, Lee teaches a receiver connected to a computer [*Radio receiver 180 of Fig. 7*], with the receiver receiving wireless signal transmitted from a wireless mouse so as to move a cursor through a display screen of the computer [*wireless mouse 300 of Figs 3 and 7*], the receiver comprising;

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A wireless mouse cradle shaped to accommodate the wireless mouse when the wireless mouse is set thereat when the wireless mouse is not in use [*abstract, seat 210 of Fig. 3*];

Charging terminals disposed so as to contact charging terminals provided on the wireless mouse when the wireless mouse is set at the wireless mouse cradle so as to allow charging of a rechargeable secondary battery cell [*abstract, col. 6, lines 48-59*]; and

A power connector to provide power to the receiver in addition to power available from a detachable connector connected to the computer [*elements 156 and 160 of Fig. 7*].

6. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamaguchi, et al JP 411110130.

7. Claim 13, Yamaguchi teaches a wireless mouse that transmits wireless signals to a receiver connected to a computer so as to move a cursor through a display screen of the computer [*see title and abstract*], the wireless mouse comprising;

An optical sensor unit having a light emitting element, ... [*abstract*];

A built-in solar battery cell ... [*solar battery 5*];

A rechargeable secondary battery cell configured to be charged by the solar battery cell [*secondary battery, see Figs 1-3*].

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, US.

Pat. No. 6,219,037 in view of Yamaguchi, et al JP 411110130.

10. Claims 7 and 8, Lee fails to teach a rechargeable secondary battery cell configured to be charged by a solar battery cell.

Yamaguchi teaches a wireless mouse that transmits wireless signals to a receiver connected to a computer, comprising a rechargeable secondary battery cell configured to be charged by a solar battery cell.

It would have been obvious to modify Lee to include a rechargeable secondary battery cell configured to be charged by a solar battery cell, because utilizing a solar cell for recharging the secondary battery cell eliminates the need for an external charging source.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanmachi, et al, JP 410301708.

12. Claims 9-10, Tanmachi teaches a wireless mouse that transmits wireless signals to a receiver connected to a computer [*title, abstract*], the wireless mouse comprising;

a connector connected to a connector at one end of a cable extending from the computer, the cable being connected a female connector on the computer [cable 14 of Fig. 1]; and

a microcontroller unit powered by electric power from the connector [*abstract, Fig. 2*].

Tanmachi fails to teach a USB connector.

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Official Notice is taken that both the concept and the advantages of USB are old and well known in the art.

It would have been obvious to modify Tanmachi to include USB, because the USB has the advantages of a lower cost, supporting a plurality of transmission protocols, more connections and occupying less system resources.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, US. Pat. No. 6,219,037.

14. Claim 12, Lee fails to teach a USB connector.

Official Notice is taken that both the concept and the advantages of USB are old and well known in the art.

It would have been obvious to modify Tanmachi to include USB, because the USB has the advantages of a lower cost, supporting a plurality of transmission protocols, more connections and occupying less system resources.

Allowable Subject Matter

15. Claims 1-3, 5 are allowed.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A I Elamin whose telephone number is (703)305-3804. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A. ELAMIN
PRIMARY EXAMINER

A I Elamin
Primary Examiner
Art Unit 2182

March 21, 2004